IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
THURSDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE GODA RAGHURAM
WRIT PETITION NO : 6243 of 2004

Between:
Wali Mohammed S/o late Ali Mohammed
in APSRTC R/o 10-1-852, Doodh Bowli, Hyderabad
..... PETITIONER

AND

The Regional Manager, APSRTC (HCR) Jubilee Bus Station, Picket,
Secunderabad
.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a direction, writ or order, one in thenature of Mandamus: a) declaring the action of the respondent in rejecting the request of the petitioner herein through proceedings dt 20-12-2003 bearing No. M2/813 (42)/2000-HCR is arbitrary and illegal and the same may be setaside b) directing the respondent herein to re-consider the request of thepetitioner to transfer the petitioner from ranigunj Depot-II to Falaknuma Depot in view ofthe circular dt 8-9-89 in the interest of justice or

Counsel for the Petitioner:MOHD.ASIFUDDIN

Counsel for the Respondent No.: MR.VINAYAKA SWAMY

The Court Made the Following :

The petitioner is working as Mechanical Supervisor in APSRTC in the Ranigunj Depot-II, Hyderabad. He is suffering from a heart problem and is a resident of the old city area of

Hyderabad. Claiming that on account of the heart problem he is not able to move long distances and since he is on the verge of retirement (is to retire on 30.6.2004), he sought a transfer to Falaknama Depot on two grounds – (A) he is suffering from a heart problem, and (B) the guidelines under a circular dated 18.4.99 of the APSRTC whereunder employees on the verge of retirement are to be considered for posting at the place of their choice to the extent possible depending upon the vacancies. As no action was taken on his request he filed W.P. No.23676 of 2003, which was dismissed with an observation that the authorities are at liberty to consider the representation made by the petitioner as per law. He thereupon sent up further representations including a notice through his counsel. By the letter dated 20.12.2003 issued by the respondent the petitioner has been informed that his request for transfer from Ranigunj Depot-II to Falaknama Depot cannot be considered now and would be taken up at the appropriate time as per his turn. In the circumstances he has approached this court for a direction to the respondent to reconsider his request for transfer to Falaknama Depot-II.

Consideration of the request of the petitioner for transfer from Ranigunj to Falaknama Depot is a matter predominantly within the discretion of the respondent. The guidelines issued under circular dated 18.4.99 do not have a statutory force warranting issuance of a Mandamus for implementation of the guidelines.

On the above analysis no relief can be granted. This writ

petition is accordingly dismissed. This court is not in doubt that the circumstances pleaded by the petitioner would receive adequate and due consideration by the respondent. No costs.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Regional Manager, APSRTC (HCR) Jubilee Bus Station, Picket, Secunderabad

2. 2CD copies

PVSN